



Entered on Docket
August 26, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Eagle Meadows Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The "Eagle Meadows Loan ("Eagle Meadows Loan") [DE 8561] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Eagle Meadows Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8561] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Eagle Meadows Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Eagle Meadows
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Eagle Meadows Development Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan
10725-01225	11/10/2006	Chelew, Paul	2855 Telegraph Ave Ste 601 Berkeley, CA 94705	120,000.00	120,000.00
10725-01025	11/6/2006	Clendenen Family Trust Dtd 10/8/2004	John P & Doreen Clendenen Ttees 1250 Davidson Way Reno, NV 89509-3141	50,520.83	50,520.83
10728-00044	9/25/2006	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97	C/O Daniel & Takeko Carlton Ttee 6124 Kami St North Las Vegas, NV 89081	75,000.00	75,000.00
10725-02164	1/12/2007	Daniel, Gregory Scott	20 Redonda Irvine, CA 92620	101,493.04	50,746.52
10725-00700	10/24/2006	Ebaugh, Monica C	412 Elk CIR Basalt, CO 81621-8202	53,272.06	53,272.06
10725-00982	11/3/2006	Emerald 18 Trust	C/O Avi Barashi Ttee PO Box 36703 Las Vegas, NV 89133	101,041.67	101,041.67
10725-01164	11/9/2006	Graham, Douglas S & Valerie L	Po Box 276 Cambria, CA 93428-0276	53,500.00	53,500.00
10725-00484	10/6/2006	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees 5360 Bellazza Court Reno, NV 89519	50,000.00	50,000.00
10725-00613	10/16/2006	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees 5360 Bellazza Court Reno, NV 89519	50,000.00	50,000.00
10725-00086	7/17/2006	Hoglund, John A IRA	740 North 78 th Street Seattle, WA 98103	104,166.39	104,166.39

EXHIBIT A

2408963.1